

**PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL
SECURITY (PABSS)**

ANNUAL PROGRAM PERFORMANCE REPORT
(revised November 2004)

REPORTING PERIOD FROM 12/1/03 TO 11/30/04

GRANT AWARD NUMBER: 17-A-20051

STATE: Virginia

AGENCY NAME: Virginia Office for
Protection and Advocacy

AGENCY ADDRESS: 1910 Byrd Avenue, Suite 5
Richmond, VA 23230

REPORT PREPARED BY: Sherry Confer

TELEPHONE NUMBER: (804) 225-2042

FAX NUMBER: (804) 662-7057

E-MAIL ADDRESS: sherry.confer@vopa.virginia.gov

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ANNUAL PABSS PROGRAM PERFORMANCE REPORT

PART I – CLIENT STATISTICS FOR THE AWARD PERIOD:

Section A: Information and Referral

1. How many <u>individuals</u> received Information and Referral under the PABSS program during the current quarter? <i>(Do not count individuals more than once for this response.)</i>	111
2. How many Information and Referral <u>requests</u> were made under the PABSS program during the current quarter? (Include all service requests, even if more than one for some clients. This number should equal or exceed Sec A. 1.)	133*

*VOPA discovered that data reporting practices were not consistent across all staff. We identified inconsistencies and took corrective actions. VOPA identified all federal grant requirements for reporting information and referral requests. Some grants require reporting the number of individuals requesting, some require the number of issues presented, and similar to PABSS, some require both. VOPA discovered that just as the reporting requirements differ, so have staff practices, some have reported numbers of individuals, some have reported issues, and some have reported both. As an initial step, we have asked staff to report only individuals. We are developing data collection practices that will reflect all the requirements.

Section B: Individuals Served and Service Requests

1. INDIVIDUALS	Year to Date
a. How many individuals had open PABSS cases/client records at the start of the current project period (year)? <i>(Do not count individuals more than once for this response.)</i>	79
b. How many new PABSS individuals were added during the current report period (year)? <i>(Do not count individuals more than once for this response.)</i>	33
c. Total number of individuals served during the current report period (year) under the PABSS program. (Sum Section B1-a and B1-b.)	112
d. Total number of individuals with cases that were closed during the current report period (year) under the PABSS program?	25
e. Total number of individuals still being served at the end of the current quarter / report period? (sum of section B1-c minus B1-d)	87

2. Service Requests	Year to Date
a. Total PABSS issues / service requests open the start of the current report (year) period.	95
b. Number of new PABSS issues / service requests added during the current report (year) period?	34
c. Total number of issues/ service requests during the current report (year) period? (Sum of B-2-a and B-2-b)	128
d. Total number of issues/ service requests closed during the current report (year) period?	29
e. Total number of issues/ service requests open at the end of the current report (year) period? (sum of section B-2-c minus B-2-d)	99

Section C: Client Demographics

1. Please provide counts of individuals served by Gender:

a. Male	42
b. Female	70
c. Total individuals served. (Must equal count from Part I Section B-1c above.)	112

2. Please provide counts of individuals served by Ethnicity:

a. Alaskan Native	
b. American Indian	
c. Arab American (middle eastern)	2
d. Asian	
d. Black (Not Hispanic/Latino Origin)	42
e. Hispanic/Latino	1
f. Multi racial / multi cultural	
g. Pacific Islander	
h. White (Not Hispanic/Latino Origin)	63
i. Other	1
j. Unknown	112
k. Total individuals served. (Must equal count from Part I Section B-1c above.)	

3. Please provide counts of individuals served by Age Bracket:

a. 14 to 18	6
b. 19 to 21	
c. 22 to 40	19
d. 41 to 59	83
e. 60 to 64	4
f. 65 and over (<i>Please attach explanation including age of client at the time of intake.</i>)	
g. Total individuals served. (<i>Must equal count from Part I Section B-1c above.</i>)	112

4. Please provide counts of individuals served by Beneficiary Status:

a. SSI eligible	54
b. SSDI eligible	50
c. Dually eligible	8
d. Total individuals served. (<i>Must equal count from Part I Section B-1c above.</i>)	112

5. Please provide counts of all PABSS service requests by major source of client's concern for the current report period (year).

a. State Vocational Rehab Agency (public VR program)	58
b. vocational services - Employment Networks (SSA contractor)	25
c. vocational / employment preparation or training services - other agency such as a OneStop, Community Rehab Program (ie UCP, ARC, JEVS), sheltered workshop, community or other college, etc.	2
d. Employment discrimination	12
e. Employment wages and benefits (ie. Workers Compensation, health insurance, disparate wages, etc.)	4
f. Need for benefits planning	
g. Insufficient/improper benefits planning	12
h. Transition services (Student beneficiary between 14-18 (or under age 22) engaging/needing a transition plan)	2
i. Assistive Technology	
j. Transportation	
k. Social Security benefits cessation based on SGA (including CDR's)	9
l. Work Related Overpayment	
m. Other (<i>please describe each service request listed under m. Other</i>)	4
n. Total service requests.	128

6. Please provide counts of individuals served by Primary Disability:

a. Absence of extremities	
b. Autism	
c. Auto-immune (lupus, thyroid, ALS, etc.)	
d. Blindness (both eyes)	11
e. Cancer	2
f. Cerebral palsy	5
g. Deaf-blind	
h. Deafness	6
i. Diabetes	2
j. Digestive disorders (chronic pancreatitis, esophageal stricture, fistulae, chronic liver, etc.)	1
k. Epilepsy	2
l. Genitourinary conditions (kidney, prostate, etc.)	1
m. Hard of Hearing (not deaf)	
n. Heart and other circulatory problems including cardiovascular	4
o. HIV/AIDS	1
p. Mental illness (diagnosis according to DSM-IV)	31
q. Mental retardation	3
r. Multiple sclerosis	1
s. Muscular dystrophy	
t. Muscular / Skeletal impairment (arthritis, fibromyalgia, osteogenesis imperfecta, osteomyelitis, etc.)	6
u. Neurological disorders (brain tumors, convulsive disorders, Parkinson, etc.)	2
v. Other emotional/behavioral (<i>Provide detail</i>)	
w. Other intellectual such as ADD/ADHD (<i>Provide detail</i>)	
x. Physical / orthopedic including spinal cord injuries, paraplegia, quadriplegia, back problems, etc. (<i>Provide details if needed</i>)	6
y. Respiratory disorders (emphysema, asthma, pulmonary hypertension, cystic fibrosis, etc.)	7
z. Specific learning disabilities (SLD)	3
aa. Speech impairment	4
ab. Spina bifida	
ac. Substance abuse (alcohol or drugs)	
ad. Tourette syndrome	
ae. Traumatic brain injury (TBI)	3
af. Visual Impairment (not blind)	11
ag. Disability not known	
ah. Total individuals served. (<i>Must equal count from Part I Section B-1c above.</i>)	112

PART II – CASE STATISTICS FOR CURRENT QUARTER / PROJECT PERIOD

Section A: Satisfaction Surveys (Optional completion of Section A only)

1. Number of Satisfaction Surveys requested	22
2. Number of responses received	9
3. Number of positive responses (<i>Attach detail information</i>) respondents would use VOPA services again	6
4. Number of negative responses (<i>Attach detail information</i>) 2 respondents would not use VOPA services again; 1 is not sure if they would use VOPA services again	3

Section B: Problem/Sub-Problem areas of closed service requests/cases (Note: One service request equals one problem / issue. A client may have multiple problems / issues. Items with an asterisk, require an attached explanation concerning how the problem/sub-problem affected employment.)

1. [AT] Access to augmentative communication devices*	
2. [AT] Access to durable medical equipment*	
3. [AT] Access to other AT*	
4. [AT] Access to vehicle modification/transportation*	
5. [Education] Transition school to work	1
6. [Employment] Discrimination in employment benefits	2
7. [Employment] Discrimination in hiring	
8. [Employment] Supported Employment	
9. [Employment] Unlawful termination / firing	
10. [Employment] Other employment discrimination	2
11. [Employment] Reasonable accommodation	1
12. [Employment] Service provider issues	3
13. [Employment] Wage and hour issues	
14. [Financial Entitlements] SSI: Overpayments and work incentives	
15. [Financial Entitlements] SSDI: Overpayments and work incentives	
16. [Financial Entitlements] (<i>assist beneficiaries in disputes before SSA involving work related program decisions, other than overpayments, that are clearly a barrier to obtaining employment</i>)	
17. [Healthcare] Medicaid only issues	
18. [Healthcare] Medicare/Medicaid issues	
19. [Healthcare] Medicare only issues	
20. [Healthcare] Insurance (access to private/denial of coverage)	
21. [Housing] Accommodations in housing*	

22. [Housing] Architectural barriers*	
23. [Housing] Modifications in housing*	
24. [Housing] Other housing issues*	
25. [Housing] Rental denial*	
26. [Housing] Rental termination*	
27. [Housing] Subsidized housing/Section 8*	
28. [Other] Architectural barriers (Title III)	
29. [Other] Childcare	
30. [Other] Government issues (inc. grievances against SSA) *	
31. [Rehab Svcs] Communication problems (indiv/counselor)	4
32. [Rehab Svcs] Conflict about services to be provided	1
33. [Rehab Svcs] Individual requests information	
34. [Rehab Svcs] Other Rehab Act-related problems	
35. [Rehab Svcs] Private providers	
36. [Rehab Svcs] Related to application/eligibility process	4
37. [Rehab Svcs] Related to plan development / implementation	7
38. [Rehab Svcs] Related to Title I of ADA [this is a specific CAP problem area <u>not to be used</u> by PABSS as these issues are captured in 6, 7, 9, 10, and 11 above]	Do not use this item
39. [Post-Secondary Ed] Physical accessibility	
40. [Post-Secondary Ed] Programmatic accessibility	
41. [Post-Secondary Ed] Funding issues	
42. [Post-Secondary Ed] Grievance against college	
43. [Post-Secondary Ed] Other support services	
44. [Post-Secondary Ed] Other post-secondary education*	
45. [Services] Personal assistance	
46. [Transportation] Paratransit	
47. [Transportation] Public transportation (non-paratransit)	
48. [Transportation] Other transportation	
49. [Benefits Planning] referral / access to BPAO services	1
Total PABSS cases closed during reporting period	26**

** these are total issues closed, not cases

Section C: Other Closed Service Request / Case Information

1. What was the reason for closing the individual's service request?

a. Some issues resolved in client's favor	
b. All issues resolved in client's favor	22
c. Request / Issue lacked legal merit	
d. Client decided not to pursue resolution or Individual Withdrew Complaint	3
e. Other Representation Obtained (Client found other representation)	
f. Individual Not Responsive to Agency / Client refused to cooperate with P&A	1
g. Services Not Needed Due to lost contact, Death, Relocation, etc.	
h. Advocacy efforts/appeals were unsuccessful (Issue not resolved in Client's Favor)	
i. Other (<i>Attach detail information</i>)	
j. Total PABSS service requests / cases closed during reporting period	26

2. What was the highest intervention strategy used?

a. Short term/ Technical assistance	7
b. Informal resolution	4
c. Investigation/Monitoring	
d. Negotiation	15
e. Mediation / alternative dispute resolution	
f. Administrative remedies (incl. Administrative or Fair Hearings, EEOC investigation process, etc.)	
g. Legal remedy / Litigation	
h. Class Action Suits	
i. Systemic / Policy activities **	
j. Total PABSS service requests / issues closed during reporting period	26***

***First quarter: 1 case with no strategy

3. As a result of P&A intervention, the following major outcome was achieved: (Choose ONE outcome for each service request!)

a. Client gained / maintained access to services including those of VR, EN or other agency	19
b. Client obtained employment	
c. Client regained employment	
d. Client maintained employment	

e. Client advanced in employment	
f. Client's employment opportunities increased	1
g. Client obtained an increase in salary and/or benefits	
h. Validity of discrimination complaint was upheld	
i. Overpayment situation addressed <i>(it doesn't matter if it was waived or the efforts weren't successful)</i>	
j. Client acquired knowledge concerning his/her rights	2
k. Outcome information is not available	1
l. Other outcome <i>(Attach detail information at the end of this section)</i>	3
m. Total PABSS issues / service requests closed during reporting period	26

PART III – ANNUAL NARRATIVE

Section A: Description of Progress and Status Update: [Please provide a brief overview of overall project status, staff changes, staff training or other major developments with regard to the PABSS program.]

VOPA expanded the staffing for the PABSS effort in FY04. With a staff attorney already in place, VOPA assigned some PABSS responsibilities to another staff attorney and a Disability Rights Advocate. VOPA then hired another Disability Rights Advocate whose time is nearly all dedicated to PABSS. All three additional staff have completed the Initial BPAO/P&A Training Session sponsored by the Benefits Assistance Resource Center (BARC) as well as the web-based portions. This allows VOPA to expand the level of services we can provide for Social Security Beneficiaries. A PABSS staff attorney and one of the Disability Rights Advocates provided training and informational updates for VOPA's Resource Advocacy Unit. This Unit is the public's first contact with VOPA. It strives to communicate to the public VOPA's mission and effectively assist the public with accessing disability rights related resources.

VOPA provides information and referral services to SSI/SSDI beneficiaries calling with questions regarding the Ticket to Work legislation and program implementation status in Virginia. Information has also been provided on issues relating to Medicaid 1619b status and employment discrimination. The SSA approved Ticket to Work Fact Sheet has been distributed to these individuals and others.

In addition to providing case level advocacy and legal services, VOPA participates in a number of activities that support the effort to assist SSI/SSDI beneficiaries gain/sustain/maintain employment.

VOPA participates in the interagency Medicaid Buy-In Workgroup. Principal agencies are the Department of Medical Assistance Services (DMAS), the Department of Rehabilitative Services (DRS), and VOPA. Other agencies, including Social Security, the Department of Mental Health, Mental Retardation, and Substance Abuse Services

(DMHMRSAS), and several local agencies are also participants. VOPA continues to participate in meetings of the Executive Steering Committee of this group, comprised of representatives of VOPA, DRS, and DMAS as well as the staff person to Virginia's Disability Commission. (The Disability Commission serves as a forum where the needs and issues of people with disabilities can be addressed through the collaboration of members of the legislature, the Lieutenant Governor, the Governor's appointees, and the agencies of the Executive branch. The Commission works to accelerate effective state system change by requiring intergovernmental and interagency coordination, as well as stakeholder input on critical disability decisions.)

VOPA also is an active participant of the Transition Subcommittee (initially developed as the Coordination Subcommittee) of the Medicaid Buy-In group. This group's mission is to facilitate breaking down barriers to work for transition-age youth (14-21) through training, collaboration (with Virginia Department of Education and other applicable entities), and document production.

The Transition Subcommittee created a document to provide educators' with significant information about benefits planners and SSA work incentives. With input from Special Education Directors, this document has been revised and is nearing completion.

The Department of Medical Assistance Services (DMAS) produced a CD-ROM to educate consumers about the Medicaid Buy-In. VOPA reviewed the CD-ROM and identified aspects of the presentation which were not accessible for individuals with sensory disabilities. VOPA and DMAS then collaborated to address these issues.

VOPA is part of Virginia's Ticket to Work workgroup. DRS is the lead agency. SSA, a benefits planning organization (BPAO), an employment network (EN), along with others, are involved. This entails collaboratively tracking progress and problems in Virginia as the Ticket to Work Program is introduced and implemented.

VOPA is involved in the Agreement Subcommittee of the Ticket to Work workgroup referenced above. The Subcommittee is comprised of DRS, an EN, a BPAO, VOPA, along with others, and its charge is to research the issue of DRS/EN agreements, i.e. what is being done in other states and how will these models, or aspects of these models work in Virginia. The goal of the subcommittee was to create a DRS/EN model agreement(s) and this has been accomplished.

Other collaborative activities include the following:

- VOPA participates in the Virginia BPAO electronic listserv and the nationwide PABSS listserv.
- VOPA participates in teleconferences with BPAO staff throughout Region III.
- VOPA staff attended several PABSS-specific sessions at the annual conference of the National Association of Protection and Advocacy Systems (NAPAS).

Section B: Detail of Actions Taken on the Project:

1. Case Summaries: [Please provide summaries of three cases undertaken as part of the PABSS project. [Include a brief summary of the facts, issue\(s\), P&A action, and resolution and/or current status.](#)]

VOPA provided advocacy for an SSDI beneficiary with deafness who alleged that her employer was discriminating against her due to her disability. VOPA provided in-depth information regarding the Equal Employment Opportunity Commission, and the Virginia Council for Human Rights (CHR). VOPA assisted the beneficiary with filing a CHR complaint. CHR agreed to meet with the beneficiary but refused to provide an interpreter. VOPA made CHR aware of their legal obligation to provide an interpreter. Not only did CHR agree to provide an interpreter for the beneficiary, but also to work with VOPA to create a policy regarding provision of interpreters. CHR “accepted” the beneficiary’s complaint (not all complaints filed are accepted as having merit to warrant an investigation) and began an investigation.

VOPA represented an SSDI/Medicare/Medicaid beneficiary who had been provided faulty information by the Department of Social Services (DSS) about what would occur to her Medicaid if she returned to work. In addition, the beneficiary was not provided with sufficient assistance from the BPAO she contacted. VOPA arranged a conference call with the beneficiary and the BPAO and ensured the beneficiary received accurate and sufficient benefits information. In addition, VOPA began educating and working with the Medicaid worker at DSS and the BPAO to create a PASS plan with the beneficiary. With approval of the PASS plan, SSI should be attained as the plan will reduce the beneficiary’s countable income. SSI will enable the beneficiary to participate in the Medicaid 1619B program, thus allowing her to work and retain her Medicaid.

VOPA ensured an SSDI beneficiary attained appropriate Employment Network (EN) support and services. VOPA was contacted as the beneficiary could not locate an EN willing to work with him. VOPA helped him to find and attain support and services from an appropriate EN. The beneficiary is working with the EN to develop an employment plan, revise his resume, and submit applications for work.

2(a). Other Activities Statistics: Please provide quantitative details of outreach and presentation activities offered to consumers and other groups, newsletter articles or other media events, informational materials developed or other activities undertaken as part of the PABSS project. Do not repeat information that was previously reported in another section]

Total Number of Outreach/Presentations	20
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Total Number of Persons Reached by Outreach/Presentation Events	472
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Other Information Dissemination Activities:

- Radio/TV appearances by PABSS staff _____
- Newspaper/Magazine/Journal articles prepared by staff (attach copy) _____
- PSAs/videos/films aired by the Agency _____
- Reports disseminated _____
- Publications/Booklets/Brochures disseminated 1839
- Number of Website hits 15178
- Other media activities (describe) 4
- Newspaper/Magazine/Journal _____

External Media Coverage of PABSS Activities

Radio/TV Coverage	Newspaper/Magazines/Journal	PSAs/Videos	Publications/Booklets/Brochures

2(b). Other Activities Narrative: [Describe the agency's outreach efforts. Describe the trainings presented by the staff including information about the topics covered, the purpose of the training, and a description of the attendees. Describe media events, informational materials developed or other activities undertaken as part of the PABSS project through the entire project year. Use separate sheets if necessary.]

In FY03, VOPA created and implemented a Transition Listening Tour. The goal of this tour was three-fold; provide information to parents, educators, and consumers about school-to-work transition, including: 1. Virginia Special Education Transition Law; 2. Medicaid 1619 (b); 3. The Ticket to Work Program and Transition; and 4. The Medicaid Buy-In; obtain information from parents, educators, and consumers about students' transition needs (including the Medicaid Buy-In and 1619b); and facilitate knowledge of the BPAOs and how they can assist students with disabilities.

In FY04, VOPA followed up the Listening Tour by disseminating information it had attained from the Tour. This was accomplished through presentations for parents, educators, and administrators as well as all of the Special Education Directors at the Virginia Department of Education. These presentations focused on dispelling myths about what will happen to students' Social Security benefits if they work. In addition, factual information about BPAOs was provided. Knowledge about benefits planners and planning is crucial to dispelling these myths and enabling students with disabilities to make decisions about working based on accurate information; not falsehoods.

VOPA provides “Office Hours” at several Centers for Independent Living across the State. Staff provide consumers with information about VOPA in general and our efforts under PABSS as well.

VOPA created three brochures to address concerns of transitioning students. After consultation with BPAO staff across the state, VOPA submitted the brochures to SSA. Once the brochures have been approved, they will be distributed to the target populations: students and their families, teachers, and transition coordinators

VOPA has convened a committee of VOPA staff members to assist in the reviewing, revising and updating of the VOPA publications. The committee has agreed to some general guidelines the most important being that the publications reflect one voice and one vision for VOPA. The committee is preparing to revise the PABSS brochure and other VOPA publications.

2 C: Diversification activities: [Please provide a description of activities undertaken to address the needs of individuals with disabilities from diverse ethnic and racial communities.]

VOPA is developing and nurturing a representative committee that reflects the disability and Spanish Speaking communities to develop and help implement a planful, strategic outreach effort. Representatives from the VOPA Advisory Councils have been recruited to join this effort. VOPA’s main publication was revised this year. This publication was translated into Spanish using a software package. To ensure that the translation had retained the intent and tone of the English version, VOPA had a person who speaks Spanish review it. It was then shared with VOPA’s Spanish Speaking Outreach Committee who recommended further edits.

VOPA intended to translate its poster into Spanish. However, public comment this year has alerted us that many people cannot distinguish the difference between VOPA and the DMHMRAS Human Rights poster. DMHMRAS’ poster is currently under revision. Once they complete their poster, VOPA will review our poster for revision/translation.

In October, 2003, VOPA provided the Native American Council a presentation on Ticket to Work legislation and its role under this program. They were interested in the information presented and requested information to be provided at the annual conference. VOPA provided an informational display and provide written and verbal disability rights information in April 2004 at the Native American Council Annual Conference.

Trainings are conducted throughout the state and advertised in a manner that ensures that members of minority populations are aware of the opportunity to participate. In Virginia’s other programs, the percentages of clients served who are members of underrepresented populations have typically been consistent with the percentage representation provided by the most recent U.S Census.